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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,622	08/22/2003	Shuzo Seo	P23748	8262
7055 7590 10/29/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER CHEN, HUO LONG	
			ART UNIT 4157	PAPER NUMBER
			NOTIFICATION DATE 10/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/645,622

Applicant(s)

SEO, SHUZO

Examiner

Huo Long Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yakawa (US 6,421,110) in view of Kurosawa et al. (US 6,714,324)

With respect to claim 1, Yakawa discloses a film scanner (film scanner 3 of fig.1) for reading an image formed on a film, said film scanner comprising: an illuminating optical system (30 of fig.1) that radiates films with illuminating light (col.1, lines 5-6); an image pickup optical system (40 of fig.1) that processes the light beam transmitted through films (col.4, lines 12-16); a halogen lamp (31 of fig.1) said a light source, see (col.3, lines 51-56).

However, Yakawa fails to expressly disclose that a film scanner has a plurality of imaging lens having different focal lengths, which can be selectively utilized.

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Kurosawa et al. discloses a film scanner for scanning images formed on a film that automatically identifies a type of a film to be scanned, and a scanning condition system, which automatically sets a scanning condition in accordance with the type of films (fig. 1). In such a film scanner, its CCD has a fixed size and its focal lengths of the imaging lens are automatically changed in accordance with the type of films (col.1, lines 28-35), including 35mm and "brownie" (col. 2, lines 22-26).

At the time of the invention, it would have been obvious for a person with ordinary skill in the art to use the Kurosawa et al. automatically changing the focal length of the imaging lens in accordance with the type of films in Yakawa's film scanner to improve the scanner whose image pickup optical system has a zooming function to make it possible to pick up images of the films in different size to be the same size. This function for improving the film scanner of Yakawa was within the ordinary ability of one ordinary in the art based on the teachings of Kurosawa et al.

Therefore, it would have been obvious to one ordinary skill in the art to combine the teachings of Yakawa and Kurosawa et al. to obtain the invention as being specified in claim 1.

With respect to claim 2, the combination of Yakawa in view of Kurosawa et al. teaches a CCD for a film scanner, which has a plurality of imaging lens having

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different focal lengths which can be selectively utilized (Kurosawa, col.1, lines 28-35).

With respect to claim 3, the combination of Yakawa in view of Kurosawa et al. teaches a film scanner, which comprises a film type identifier as a single drive mechanism, which automatically identifies a type of a film to be scanned basing on optically identifying a film holder that holds the film, different types of films being held by different holders (Kurosawa, col. 2, lines 57-62), the film type identifier comprising a detector that detects a unique pattern formed by a plurality of openings in the film holder, the different film holders having different patterns (Kurosawa, col. 2, lines 65-67, col. 3, lines 1-2); and a scanning condition setter that automatically sets a scanning condition in accordance with the type of the film identified by said film type identifier. The scanning condition setter comprises a switcher that switches among a plurality of imaging lenses, the switcher switching to the imaging lens based on the type of film (Kurosawa, col. 2, 46-49). In addition, the scanning condition setter can comprise a zoom lens system to vary the optical power and the focal length may be varied without moving the position of the lens (Kurosawa, col.2, 49-51).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim (4) is rejected under 35 U.S.C. 103(a) as being unpatentable over Yakawa (US 6,421,110) in view of Kurosawa et al. (US 6,714,324) as applied to claim 1 above, and further in view of Konno (US 6,806,981).

With respect to claim 4, the combination of Yakawa in view of Kurosawa et al does not teach a light source including LED. However, this was known and taught by Konno disclosing a film scanner (film scanner 14 of fig. 2). According to Konno's film scanner, its optical system (fig.3) comprises light source (66 of fig.3), which has a plurality of LEDs (64 of fig.3, col. 2, line 20-31).

At the time of the invention, it would have been obvious for a person with ordinary skill in the art to use the Konno's LED elements in Yakawa film scanner to improve the scanner, wherein the light source includes an LED. This function for improving the film scanner of Yakawa was within the ordinary ability of one ordinary in the art basing on the teachings of Konno.

Therefore, it would have been obvious to one ordinary skill in the art to combine the teachings of Yakawa, Kurosawa et al and Konno to obtain the invention as specified in claim 4.

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Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huo Long Chen whose telephone number is (571) 270-3759. The examiner can normally be reached on 8:00am to 5:00pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Huo Long Chen

Patent Examiner


VU LE
SUPERVISORY PATENT EXAMINER